

1 Steven D. Hemminger (SBN 110665)

steve.hemminger@alston.com

2 **ALSTON + BIRD LLP**

Two Palo Alto Square

3 3000 El Camino Real, Suite 400

Palo Alto, California 94306

4 Telephone: (650) 838-2000

Facsimile: (650) 838-2001

5 Michael P. Kenny (mike.kenny@alston.com)

6 Debra D. Bernstein (debra.bernstein@alston.com)

Rodney J. Ganske (rod.ganske@alston.com)

7 Elizabeth H. Jordan (elizabeth.jordan@alston.com)

Matthew D. Kent (matthew.kent@alston.com)

8 **ALSTON + BIRD LLP**

1201 West Peachtree Street

9 Atlanta, Georgia 30309-3424

Telephone: (404) 881-7000

10 Facsimile: (404) 881-7777

11 *Attorneys For Plaintiffs Dell Inc. and Dell Products L.P.*

12 **UNITED STATES DISTRICT COURT**  
 13 **NORTHERN DISTRICT OF CALIFORNIA**  
 14 **SAN FRANCISCO DIVISION**

14 IN RE: TFT-LCD (FLAT PANEL)

15 ANTITRUST LITIGATION

) Master File No. M:07-1827 SI

) MDL No. 1827

16 This Document Relates to Individual Case No.  
 3:10-cv-01064 SI

) **STIPULATION AND [PROPOSED]**  
 ) **ORDER REGARDING SERVICE**  
 ) **AND SCHEDULING**

18 DELL INC. and DELL PRODUCTS L.P.,

19 Plaintiffs,

20 v.

) Individual Case No. 3:10-cv-01064 SI

) **STIPULATION AND [PROPOSED]**  
 ) **ORDER REGARDING SERVICE**  
 ) **AND SCHEDULING**

21 SHARP CORPORATION; SHARP ELECTRONICS  
 CORPORATION; HITACHI DISPLAYS, LTD.;  
 22 HITACHI ELECTRONIC DEVICES (USA), INC.;  
 HITACHI, LTD.; EPSON IMAGING DEVICES  
 CORPORATION; EPSON ELECTRONICS  
 23 AMERICA, INC.; HANNSTAR DISPLAY  
 CORPORATION; TOSHIBA AMERICA  
 24 ELECTRONIC COMPONENTS, INC.; TOSHIBA  
 AMERICA INFORMATION SYSTEMS, INC.;  
 25 TOSHIBA CORPORATION; and TOSHIBA  
 MOBILE DISPLAY CO., LTD.,

26 Defendants.

28 **STIPULATION AND [PROPOSED] ORDER REGARDING SERVICE AND SCHEDULING**

Master File No. M07-1827 SI

3:10-cv-01064 SI

1 WHEREAS plaintiffs Dell Inc. and Dell Products L.P. (collectively, "Dell") filed the above-  
2 captioned lawsuit on March 12, 2010;

3 WHEREAS Dell filed a Notice of Related Case to *In re TFT-LCD (Flat Panel) Antitrust*  
4 *Litigation*, Case No. M:07-CV-1827-SI, MDL No. 1827, on March 12, 2010, and the case was  
5 reassigned to the Honorable Susan Illston on March 18, 2010;

6 WHEREAS, the Defendants have agreed to waive service and the parties have reached an  
7 agreement, pursuant to Civil L.R. 6-1(a), to extend the time within which the Defendants must move  
8 against, answer or otherwise respond to Dell's Complaint;

9 WHEREAS, this extension will not alter the date of any event or any deadline already fixed by  
10 the Court;

11 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and among the  
12 undersigned counsel, on behalf of their respective clients, Dell, on the one hand, and defendants Sharp  
13 Corporation; Sharp Electronics Corporation; Hitachi Displays, Ltd.; Hitachi Electronic Devices (USA),  
14 Inc.; Hitachi, Ltd.; Epson Imaging Devices Corporation; Epson Electronics America, Inc; Toshiba  
15 America Electronic Components, Inc.; Toshiba America Information Systems, Inc.; Toshiba  
16 Corporation; and Toshiba Mobile Display Co., Ltd. (collectively, "Defendants") on the other hand, as  
17 follows:

- 18 1. Defendants waive service of Dell's Complaint under Federal Rule of Civil Procedure 4(d).
- 19 2. Defendants will have until July 6, 2010, to move against, answer or otherwise respond to Dell's  
20 Complaint.
- 21 3. Dell and Defendants agree to the following briefing schedule for any motion or motions to  
22 dismiss Dell's Complaint (the "Motions") and agree to file all motions or proposed orders as  
23 necessary to implement the agreed-upon schedule. To the extent the Court does not accept all  
24 or any part of the proposed schedule, Dell and Defendants agree to work in good faith to  
25 establish a briefing schedule for the Motions acceptable to all parties and the Court to replace  
26 that set forth below:
  - 27 a. Dell will have until August 19, 2010 to file any response to the Motions.

b. Defendants will have until September 20, 2010 to file any reply brief(s) to the Motions.

c. The hearing on the Motions will be noticed for October 8, 2010.

4. Except as set forth above, all Local Rules shall remain in effect with respect to the briefing on the Motions. Entering into this stipulation does not effect a waiver of any defense under Federal Rule of Civil Procedure 12. This stipulation does not constitute a waiver of any challenge to personal jurisdiction by any Defendant.

IT IS SO STIPULATED:

Dated: June 7, 2010

By: /s/Debra D. Bernstein  
Steven D. Hemminger (SBN 110665)  
steve.hemminger@alston.com  
**ALSTON + BIRD LLP**  
Two Palo Alto Square  
3000 El Camino Real, Suite 400  
Palo Alto, California 94306  
Telephone: (650) 838-2000  
Facsimile: (650) 838-2001

Michael P. Kenny, Esq.  
mike.kenny@alston.com  
Debra D. Bernstein, Esq.  
debra.bernstein@alston.com  
Rodney J. Ganske, Esq.  
rod.ganske@alston.com  
Elizabeth H. Jordan, Esq.  
elizabeth.jordan@alston.com  
Matthew D. Kent, Esq.  
matthew.kent@alston.com  
**ALSTON + BIRD LLP**  
1201 West Peachtree Street  
Atlanta, Georgia 30309-3424  
Tel: (404) 881-7000  
Facsimile: (404) 881-7777  
*Attorneys for Plaintiffs Dell Inc. and Dell  
Products L.P.*

1 By: /s/Colin C. West  
2 Colin C. West  
3 colin.west@bingham.com  
4 Bingham McCutchen LLP  
5 Three Embarcadero Center  
6 San Francisco, California 94111  
7 (415) 393-2422  
8 (415) 393-2286 (Fax)  
9 *Counsel for Defendants Sharp Corporation and*  
10 *Sharp Electronics Corporation*

11 By: /s/Jacob R. Sorensen  
12 Jacob R. Sorensen  
13 jake.sorensen@pillsburylaw.com  
14 Pillsbury Winthrop Shaw Pittman  
15 50 Fremont Street  
16 San Francisco, California 94105  
17 (415) 983-1000  
18 (415) 983-1200 (Fax)  
19 *Counsel for Defendants Sharp Corporation and*  
20 *Sharp Electronics Corporation*


21 By: /s/Kent Michael Roger  
22 Kent Michael Roger  
23 kroger@morganlewis.com  
24 Morgan Lewis & Bockius LLP  
25 One Market, Spear Street Tower  
26 San Francisco, California 94105  
27 (415) 442-1140  
28 (415) 442-1001 (fax)  
*Counsel for Defendants Hitachi Displays, Ltd.,*  
*Hitachi Electronic Devices (USA), Inc., and*  
*Hitachi, Ltd.*

By: /s/Stephen P. Freccero  
Stephen P. Freccero  
sfreccero@mofo.com  
Morrison & Foerster LLP  
425 Market Street  
San Francisco, California 94105-2482  
(415) 268-7000  
(415) 268-7522 (Fax)  
*Counsel for Defendants Epson Imaging Devices*  
*Corporation and Epson Electronics America, Inc.*

1  
2 By: /s/John H. Chung  
3 John H. Chung  
4 jchung@whitecase.com  
5 White & Case LLP  
6 1155 Avenue of the Americas  
7 New York, New York 10036  
8 (212) 819-8200  
9 (212) 354-8113 (Fax)  
10 *Counsel for Defendants Toshiba America*  
11 *Electronic Components, Inc., Toshiba America*  
12 *Information Systems, Inc., Toshiba Corporation,*  
13 *and Toshiba Mobile Display Co., Ltd.*

14 Attestation: The filer of this document attests that the concurrence of the other  
15 signatories thereto has been obtained.

16  
17 IT IS SO ORDERED:

18   
19 \_\_\_\_\_  
20 Hon. Susan Illston

21 The hearing on the motions to dismiss will be held on Thursday, October 7, 2010, at  
22 9:00 a.m.